

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IKEDICHI NWOKORO,

Plaintiff,

V.

GAWVT MOTORS, LLC,
d/b/a MALL OF GEORGIA FORD,
BERKSHIRE HATHAWAY
AUTOMOTIVE, INC.,
d/b/a MALL OF GEORGIA FORD,
VAN TUYL GROUP, LLC,
d/b/a MALL OF GEORGIA FORD,

Defendants.

CIVIL ACTION FILE

NO. 1:17-CV-00225-MHC-AJB

DEFENDANTS' ANSWER TO AMENDED COMPLAINT FOR DAMAGES

Defendants, having each responded to the allegations of Plaintiff's Complaint as originally cast, hereby submit their joint response to Plaintiff's Amended Complaint as follows:

FIRST DEFENSE

1.

For its First Defense Defendant Gawvt Motors, LLC reasserts its First Defense, Second Defense, Third Defense, Fourth Defense, Fifth Defense, Sixth Defense and Seventh Defense filed in response to the allegations of Plaintiff's Complaint as originally cast as though each referenced Defense was fully set forth herein.

2.

For its First Defense Defendant Berkshire Hathaway Automotive, Inc. reasserts its First Defense, Second Defense, Third Defense, Fourth Defense, Fifth Defense, Sixth Defense and Seventh Defense filed in response to the allegations of Plaintiff's Complaint as originally cast as though each referenced Defense was fully set forth herein.

3.

For its First Defense Defendant Vab Tuyl Group, LLC reasserts its First Defense, Second Defense, Third Defense, Fourth Defense, Fifth Defense, Sixth Defense, Seventh Defense and Eighth Defense filed in response to the allegations of Plaintiff's Complaint as originally cast as though each referenced Defense was fully set forth herein.

SECOND DEFENSE

For their Second Defense, each Defendant responds to the allegations of Plaintiff's Amended Complaint as follows:

1.

Defendants show that Paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 of Plaintiff's Amended Complaint are identical to Paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 of Plaintiff's Complaint as originally cast. Accordingly, each Defendant reasserts its response to Paragraphs 1 - 16 of Plaintiff's original Complaint as their responses to Paragraphs 1 - 16 of Plaintiff's Amended

Complaint as though each was fully set forth herein.

2.

In response to paragraph 17 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 31 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 31 of Plaintiff's original Complaint as its response to the said Paragraph.

3.

In response to paragraph 18 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 32 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 32 of Plaintiff's original Complaint as its response to the said Paragraph.

4.

In response to paragraph 19 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 33 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 33 of Plaintiff's original Complaint as its response to the said Paragraph.

5.

In response to paragraph 20 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 34 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 34 of Plaintiff's original Complaint as its response to the said Paragraph.

6.

In response to paragraph 21 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 35 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 35 of Plaintiff's original Complaint as its response to the said Paragraph.

7.

In response to paragraph 22 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 36 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 36 of Plaintiff's original Complaint as its response to the said Paragraph.

8.

In response to paragraph 23 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 37 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 37 of Plaintiff's original Complaint as its response to the said Paragraph.

9.

In response to paragraph 24 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 38 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 38 of Plaintiff's original Complaint as its response to the said Paragraph.

10.

In response to paragraph 25 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 39 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 39 of Plaintiff's original Complaint as its response to the said Paragraph.

11.

In response to paragraph 26 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 40 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 40 of Plaintiff's original Complaint as its response to the said Paragraph.

12.

In response to paragraph 27 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 41 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 41 of Plaintiff's original Complaint as its response to the said Paragraph.

13.

In response to paragraph 28 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 42 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 42 of Plaintiff's original Complaint as its response to the said Paragraph.

14.

In response to paragraph 29 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 43 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 43 of Plaintiff's original Complaint as its response to the said Paragraph.

15.

In response to paragraph 30 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 44 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 44 of Plaintiff's original Complaint as its response to the said Paragraph.

16.

In response to paragraph 17 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 31 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 31 of Plaintiff's original Complaint as its response to the said Paragraph.

17.

In response to paragraph 31 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 45 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 45 of Plaintiff's original Complaint as its response to the said Paragraph.

18.

In response to paragraph 32 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 46 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 46 of Plaintiff's original Complaint as its response to the said Paragraph.

19.

In response to paragraph 33 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 47 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 47 of Plaintiff's original Complaint as its response to the said Paragraph.

20.

In response to paragraph 34 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 48 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 48 of Plaintiff's original Complaint as its response to the said Paragraph.

21.

In response to paragraph 35 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 49 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 49 of Plaintiff's original Complaint as its response to the said Paragraph.

22.

In response to paragraph 36 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 50 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 50 of Plaintiff's original Complaint as its response to the said Paragraph.

23.

In response to paragraph 37 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 51 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 51 of Plaintiff's original Complaint as its response to the said Paragraph.

24.

In response to paragraph 38 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 52 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 52 of Plaintiff's original Complaint as its response to the said Paragraph.

25.

In response to paragraph 39 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 53 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 53 of Plaintiff's original Complaint as its response to the said Paragraph.

26.

In response to paragraph 40 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 54 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 54 of Plaintiff's original Complaint as its response to the said Paragraph.

27.

In response to paragraph 41 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 55 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 55 of Plaintiff's original Complaint as its response to the said Paragraph.

28.

In response to paragraph 42 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 56 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 56 of Plaintiff's original Complaint as its response to the said Paragraph.

29.

In response to paragraph 43 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 57 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 57 of Plaintiff's original Complaint as its response to the said Paragraph.

30.

In response to paragraph 44 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 17 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 17 of Plaintiff's original Complaint as its response to the said Paragraph.

31.

In response to paragraph 45 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 18 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 18 of Plaintiff's original Complaint as its response to the said Paragraph.

32.

In response to paragraph 46 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 19 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 19 of Plaintiff's original Complaint as its response to the said Paragraph.

33.

In response to paragraph 47 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 20 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 20 of Plaintiff's original Complaint as its response to the said Paragraph.

34.

In response to paragraph 48 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 21 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 21 of Plaintiff's original Complaint as its response to the said Paragraph.

35.

In response to paragraph 49 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 22 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 22 of Plaintiff's original Complaint as its response to the said Paragraph.

36.

In response to paragraph 50 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 23 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 23 of Plaintiff's original Complaint as its response to the said Paragraph.

37.

In response to paragraph 51 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 24 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 24 of Plaintiff's original Complaint as its response to the said Paragraph.

38.

In response to paragraph 52 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 25 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 25 of Plaintiff's original Complaint as its response to the said Paragraph.

39.

In response to paragraph 53 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 26 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 26 of Plaintiff's original Complaint as its response to the said Paragraph.

40.

In response to paragraph 54 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 27 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 27 of Plaintiff's original Complaint as its response to the said Paragraph.

41.

In response to paragraph 55 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 28 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 28 of Plaintiff's original Complaint as its response to the said Paragraph.

42.

In response to paragraph 56 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 29 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 29 of Plaintiff's original Complaint as its response to the said Paragraph.

43.

In response to paragraph 57 of Plaintiff's Amended Complaint, Defendants show that the said Paragraph is identical to Paragraph 30 of Plaintiff's original Complaint. Accordingly, each Defendant asserts its response to Paragraph 30 of Plaintiff's original Complaint as its response to the said Paragraph.

44.

Defendants show that Paragraphs 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83 and 84 of Plaintiff's Amended Complaint are identical to Paragraphs 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83 and 84 of Plaintiff's Complaint as originally cast. Accordingly, each Defendant reasserts its response to Paragraphs 58 - 84 of Plaintiff's original Complaint as their responses to Paragraphs 58 - 84 of Plaintiff's Amended Complaint as though each was fully set forth herein.

45.

Each Defendant hereby denies the allegations contained in Paragraph 85 of Plaintiff's Amended Complaint.

46.

Defendants show that Paragraphs 86, 87, 88, 89, 90 and 91 of Plaintiff's Amended Complaint are identical to Paragraphs 86, 87, 88, 89, 90 and 91 of Plaintiff's Complaint as originally cast. Accordingly, each Defendant reasserts its response to Paragraphs 86 - 91 of Plaintiff's original Complaint as their responses to Paragraphs 86 - 91 of Plaintiff's Amended Complaint as though each was fully set forth herein.

47.

Defendants show that Paragraphs 92, 93, 94, 95, 96, 97 and 98 of Plaintiff's Amended Complaint are identical to Paragraphs 92, 93, 94, 95, 96, 97 and 98 of Plaintiff's Complaint as originally cast. Accordingly, each Defendant reasserts its response to Paragraphs 92 - 98 of Plaintiff's original Complaint as their responses to Paragraphs 92 - 98 of Plaintiff's Amended Complaint as though each was fully set forth herein.

48.

To the extent any allegation contained in any Paragraph of Plaintiff's Amended Complaint is not specifically admitted, it is hereby denied.

WHEREFORE, having fully responded to the allegations contained in Plaintiff's Amended Complaint, Defendants pray that they each be discharged and that the costs of this proceeding be cast upon Plaintiff.

Respectfully submitted this 28th day of April, 2017.

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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

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|----------------------------|---|---------------------------|
| IKEDICHI NWOKORO, |) | |
| |) | |
| Plaintiff, |) | |
| |) | CIVIL ACTION FILE |
| V. |) | |
| |) | NO. 1:17-CV-00225-MHC-AJB |
| GAWVT MOTORS, LLC, et. al. |) | |
| |) | |
| Defendants. |) | |

CERTIFICATE OF SERVICE

I certify that I have this date electronically filed the foregoing Amended Answer with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys or record:

Aubrey T. Villines, Jr.
Georgia Bar No. 727750
atvill7@msn.com

Jeffrey R. Filipovits
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and by depositing a copy of same in the U.S. Mail with adequate postage affixed thereto and addressed as follows:

Aubrey T. Villines, Jr.
Jeffrey R. Filipovits
2900 Chamblee-Tucker Rd.
Building 1
Atlanta, Georgia 30341

This 28th day of April, 2017.

S/ Earnest H. DeLong
Earnest H. DeLong
Georgia Bar No. 217300